

- Videos of prior/other uses of force at Montgomery County Jail.

At a minimum, should this Court refuse to bifurcate this case, the introduction the evidence referenced in Document #170 and the evidence referenced above would be highly prejudicial to the individual corrections officers.

Furthermore, the evidence relating to the investigation and suspension of Sgt. Lewis pertaining to the text messages has no relevance to the events surrounding Decedent's death.

Beyond the questionable relevance of the public statements, website materials and videos of other uses of force, Plaintiff failed to identify with any specificity the nature of any of this evidence.

As such, Defendants move for the Court to prohibit Plaintiff from introducing evidence as indicating at the trial of this matter.

MEMORANDUM

I. INTRODUCTION

Defendants incorporate herein the Memorandum set forth in Document #170 as if fully set forth at length.

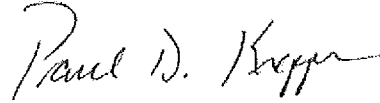
In addition to the arguments set forth in Document #170, Plaintiff should not be permitted to submit evidence based upon the disclosures as set forth in Plaintiff's proposed exhibits. Defendants are without information to form an opinion on the admissibility of unknown public statements by Sheriff Plummer, unnamed MCSO Jail employees or public statements by Montgomery County Commissioners because these "exhibits" are not identified with any specificity. Similarly, Plaintiff failed to identify what MCSO website materials he intends to present. Finally, the representation that Plaintiff intends to submit evidence regarding "videos of prior/other uses of force at Montgomery County Jail" is rife with problems of authenticity, relevance and prejudice versus probative value of such evidence. Defendants are without sufficient information to even begin to assess these purported exhibits. It is requested therefore that the Court enter an Order prohibiting Plaintiff from presenting this evidence at trial.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

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A handwritten signature in black ink, appearing to read "Paul D. Krepps". The signature is fluid and cursive, with a long horizontal stroke at the end.

By: _____
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

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